

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
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Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 3, 2017

The Honorable Dan Patrick  
Lieutenant Governor of Texas  
Capitol Station  
PO Box 12068  
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution.

Senate Bill (SB) 2186, as Filed by Senator Judith Zaffirini-relating to the Live Oak Underground Water Conservation District.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

The bill amends Chapter 715, Acts of the 71st Legislature (1989), Live Oak Underground Water Conservation District, by removing powers, rights, duties, privileges, references and functions under Chapter 51 and 52 and clarifying that these are now provided to the District under Texas Water Code (TWC) Chapter 36. TWC Chapter 36 Procedural and administrative provisions will now apply to the District, as well as procedures for dissolving the District and authority concerning annexation. The bill also provides that if there is a conflict between Chapters 36, 49, or 51, then Chapter 36 or this Act controls. The bill adds that if there is a conflict between the application of Chapters 49 and 51, then 51 controls. The bill provides that the District shall hold an election in each even numbered year to elect the appropriate number of directors and removes provisions for initial directors and confirmation of the District.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Wilson".

Kim Wilson, Director  
Water Availability Division

cc: The Honorable Charles Perry, Chairman, Senate Committee of Agriculture, Water, and Rural Affairs  
Senator Judith Zaffirini, Texas Senate

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LETTER OF TRANSMITTAL  
TEXAS SENATE  
STATE OF TEXAS

SB 2186

Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

3/10/2017

Date transmitted to  
Governor's Office

  
Secretary of the Senate

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

March 13, 2017

Date transmitted to  
Texas Commission on Environmental Quality

  
Governor

TO: The Honorable President of the Senate  
The Honorable Speaker of the House of Representatives  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality

By: Zaffirini

S.B. No. 2186

A BILL TO BE ENTITLED

AN ACT

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relating to the Live Oak Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 715, Acts of the 71st Legislature, Regular Session, 1989, is amended by amending Sections 1, 4, 5, 6, 10, 11, and 13 to read as follows:

Sec. 1. CREATION OF DISTRICT. Under Article XVI, Section 59, of the Texas Constitution, the Live Oak Underground Water Conservation District has [~~is created as a governmental agency and body politic and corporate, authorized to exercise~~] the powers essential to the accomplishment of the purposes of that constitutional provision and [~~to exercise~~] the rights, powers, duties, privileges, and functions provided [~~by this Act and~~] by Chapter 36 [~~Chapters 51 and 52~~], Water Code, and by other laws of this state relating to underground water conservation districts.

Sec. 4. PURPOSE OF DISTRICT. The district is created to provide for the conservation, preservation, protection, recharge, and prevention of the waste of the underground water reservoirs located under district land consistent with the objectives of Article XVI, Section 59, of the Texas Constitution and Chapter 36 [~~Chapters 51 and 52~~], Water Code.

Sec. 5. POWERS AND DUTIES OF DISTRICT. The district has [~~may exercise~~] the powers, rights, duties, privileges, and functions permitted by Chapter 36 [~~Chapters 51 and 52~~], Water Code

1 ~~[, and may.~~

2 ~~[(1) make and enforce rules to provide for conserving,~~  
3 ~~preserving, protecting, recharging, and preventing waste of the~~  
4 ~~water from the underground water reservoirs,~~

5 ~~[(2) enforce its rules by injunction, mandatory~~  
6 ~~injunction, or other appropriate remedies in a court of competent~~  
7 ~~jurisdiction,~~

8 ~~[(3) require permits for the drilling, equipping, and~~  
9 ~~completion of wells in the underground water reservoirs in the~~  
10 ~~district and issue permits that include terms and provisions with~~  
11 ~~reference to the drilling, equipping, and completion of the wells~~  
12 ~~that are necessary to prevent waste or to conserve, preserve, and~~  
13 ~~protect underground water,~~

14 ~~[(4) provide for the spacing of wells producing from~~  
15 ~~the underground water reservoirs in the district and regulate the~~  
16 ~~production from those wells to minimize as far as practicable the~~  
17 ~~drawdown of the water table or the reduction of the artesian~~  
18 ~~pressure, provided, the owner of the land or his heirs, assigns, and~~  
19 ~~lessees are not denied a permit to drill a well on their land and the~~  
20 ~~right to produce underground water from that well subject to rules~~  
21 ~~adopted under this Act,~~

22 ~~[(5) require records to be kept and reports to be made~~  
23 ~~of the drilling, equipping, and completion of wells into any~~  
24 ~~underground water reservoir in the district and the taking and use~~  
25 ~~of underground water from those reservoirs and require accurate~~  
26 ~~driller's logs to be kept of those wells and a copy of those logs and~~  
27 ~~of any electric logs that may be made of the wells to be filed with~~

1 ~~the district,~~

2 ~~[(6) acquire land for the erection of dams and for the~~  
3 ~~purpose of draining lakes, draws, and depressions, construct dams,~~  
4 ~~drain lakes, depressions, draws, and creeks, and install pumps and~~  
5 ~~other equipment necessary to recharge any underground water~~  
6 ~~reservoirs in the district,~~

7 ~~[(7) have made by registered professional engineers~~  
8 ~~surveys of the underground water of any underground water reservoir~~  
9 ~~in the district and of the facilities for the development,~~  
10 ~~production, and use of that underground water and determine the~~  
11 ~~quantity of the underground water available for the production and~~  
12 ~~use and the improvements, developments, and recharges needed for~~  
13 ~~those underground water reservoirs,~~

14 ~~[(8) develop comprehensive plans for the most~~  
15 ~~efficient use of the underground water of any underground water~~  
16 ~~reservoir in the district and for the control and prevention of~~  
17 ~~waste of that underground water, with the plans to specify in the~~  
18 ~~amount of detail that may be practicable, the acts, procedure,~~  
19 ~~performance, and avoidance that are or may be necessary to carry out~~  
20 ~~these plans, including specifications,~~

21 ~~[(9) carry out research projects, develop~~  
22 ~~information, and determine limitations, if any, that should be made~~  
23 ~~on the withdrawal of underground water from any underground water~~  
24 ~~reservoir in the district,~~

25 ~~[(10) collect and preserve information regarding the~~  
26 ~~use of the underground water and the practicability of recharge of~~  
27 ~~any underground water reservoir in the district,~~

1           ~~[(11) publish plans and information, bring them to the~~  
2 ~~notice and attention of the users of the underground water in the~~  
3 ~~district, and encourage their adoption and execution,~~

4           ~~[(12) contract for, sell, and distribute water from a~~  
5 ~~water import authority or other agency, and~~

6           ~~[(13) contract with other districts with powers~~  
7 ~~similar to those of the district to achieve common goals].~~

8           Sec. 6. ADMINISTRATIVE PROCEDURES. Except as provided by  
9 this Act, the administrative and procedural provisions of Chapter  
10 36 [~~Chapters 51 and 52~~], Water Code, apply to the district.

11          Sec. 10. DISSOLUTION OF DISTRICT. Subchapter I, Chapter 36  
12 [~~Subchapter C, Chapter 52~~], Water Code, applies to dissolution of  
13 the district.

14          Sec. 11. ANNEXATION. [~~Additional territory may be added to~~  
15 ~~the district as provided by Chapter 51, Water Code.~~] The board of  
16 directors shall determine to which precinct [~~the~~] annexed land will  
17 be added for purposes of election of directors.

18          Sec. 13. STATUTORY INTERPRETATION. If there is a conflict  
19 between this Act and Chapter 36, 49, or 51 [~~Chapter 51 or 52~~], Water  
20 Code, this Act controls. If there is a conflict between the  
21 application of Chapter [~~Chapters~~] 36, 49, or 51 [~~and 52~~], Water  
22 Code, to the district, Chapter 36 [~~52~~] controls. If there is a  
23 conflict between the application of Chapters 49 and 51, Water Code,  
24 to the district, Chapter 51 controls.

25          SECTION 2. Section 12(e), Chapter 715, Acts of the 71st  
26 Legislature, Regular Session, 1989, is amended to read as follows:

27          (e) The district shall hold an election in each

1 even-numbered year to elect the appropriate number of directors  
2 ~~[After the election of the directors at the confirmation election~~  
3 ~~held under Section 8 of this Act, regular elections for a portion of~~  
4 ~~the board of directors shall be held in each even-numbered year.~~  
5 ~~The directors elected from commissioner precincts 1 and 3 and the~~  
6 ~~director elected at large at the confirmation election shall serve~~  
7 ~~as directors until the first regular meeting of the board after the~~  
8 ~~second regular election of directors, and the directors elected~~  
9 ~~from commissioner precincts 2 and 4 at the confirmation election~~  
10 ~~shall serve until the first regular meeting of the board after the~~  
11 ~~first regular election of directors].~~

12 SECTION 3. Sections 7 and 8, Chapter 715, Acts of the 71st  
13 Legislature, Regular Session, 1989, are repealed.

14 SECTION 4. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2017.

1 February 2017

Live Oak UWCD-Intent to Introduce Legislation

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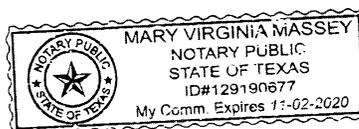
Before me, the undersigned authority, on this day personally appeared George G. Latcham, known to me, who, by me duly sworn, on his oath deposes and says that he is the Publisher of the Progress, having general circulation in Live Oak & McMullen Counties, who being by me duly sworn, deposes and says that the foregoing attached notice was published in said newspaper on the following date(s), to wit:

February 1, 2017

  
George G. Latcham, Publisher

Sworn to and subscribed before me by George G. Latcham, this the 01 day of February 2017 AD to certify which witness my hand and official seal.

  
Mary Virginia Massey,  
Notary Public in and for the State of Texas



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**Notice of Intent to Introduce  
 Legislation from the Office of  
 Representative Ryan Guillen  
 and Senator Judith Zaffirini**

This is to give notice of intent to introduce in the 85th Legislature, Regular Session, a bill to be entitled an act relating to the Live Oak Underground Water Conservation District.

WO2/1